

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

ROBERT C. KELLER, et al.

Plaintiff,

V.

CIVIL ACTION NO.: 3:07cv-1098-WKW

**MACON COUNTY GREYHOUND
PARK, INC.**

Defendant.

**DEFENDANT’S MOTION FOR MODIFICATION OF SCHEDULING ORDER TO
ALLOW ENLARGMENT OF TIME FOR DEFENDANT TO ADD ADDITIONAL
PARTIES AND AMEND PLEADINGS**

Comes now the Defendant Macon County Greyhound Park, Inc. by and through its undersigned counsel and request this court modify its scheduling order to allow Defendant additional time to add additional parties and amend pleadings. In support of said motion, Defendant asks the court to consider the following:

1. On April 7, 2008, this Honorable Court issued a Putative Class Action Scheduling Order.
2. The Court allowed Defendant until May 15, 2008 to join additional parties and amend pleadings.
3. Defendant has been conducting a good faith investigation to determine whether a third party may be liable for any alleged damages suffered by the Plaintiff.
4. The Defendant has been in contact with the potential third party in order to determine to the extent to which a dispute exists between the parties.
5. There has been an unexpected delay of the potential third party in responding to Defendant's inquiry of the potential third party.

6. The Defendant is making this investigation, mindful of its obligations pursuant to Rule 11 of the Federal Rules of Civil Procedure, prior to adding any potential party.

7. Neither party would be prejudiced by providing additional time for Defendant to amend its pleadings or add additional parties.

Wherefore, the above other premises considered, Defendant requests this Honorable Court to modify the Putative Class Action Scheduling Order to allow the Defendant thirty (30) days to add additional parties and amend its pleadings.

Respectfully submitted,

/s/ Stanley F. Gray

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CERTIFICATE OF SERVICE

I, hereby certify that I have served a true and correct copy of the foregoing instrument upon the following electronically, via ecf.almd.uscourts.gov, this the 19th day of May 2008:

William S. Pritchard, III
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/s/ Stanley F. Gray
OF COUNSEL